

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JAMES DUERWOOD EVANS,**  
**Plaintiff,**

**v.**

**SOCIAL SECURITY  
ADMINISTRATION, et al.,**  
**Defendants.**

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**CIVIL ACTION NO. 21-CV-3540**

**ORDER**

AND NOW, this 15th day of December, 2021, upon consideration of James Duerwood Evans's Motion to Proceed *In Forma Pauperis* and Prisoner Trust Fund Account Statement (ECF No. 8), and *pro se* Complaint (ECF No. 1), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. James Duerwood Evans, #65971, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of Curran Fromhold Correctional Facility or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Evans's inmate account; or (b) the average monthly balance in Evans's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Evans's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Evans's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Warden of Curran Fromhold Correctional Facility.
4. The Complaint is **DEEMED** filed.
5. Evans's Complaint is **DISMISSED WITH PREJUDICE** for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for the reasons stated in the Court's Memorandum.
6. This dismissal is without prejudice to Evans pursuing an appropriate action before the Social Security Administration. The Clerk of Court is **DIRECTED** to send Evans a copy of the Court's current standard form Social Security Complaint. If Evans returns the completed form, it should be docketed as a new civil action.
7. The Clerk of Court shall **CLOSE** this case.

**BY THE COURT:**

/s/ Juan R. Sánchez  
**JUAN R. SÁNCHEZ, C.J.**